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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,347	02/13/2002	Shuji Yonekubo	Q68498	6061

7590 10/24/2002

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EXAMINER

HALLACHER, CRAIG ALAN

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,347

Applicant(s)

YONEKUBO, SHUJI

Examiner

Craig A Hallacher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata et al. (6,126,266) in view of Isayama et al. (4,245,224).

Numata et al. discloses (see col. 36, line 66 to col. 37, line 35; col. 42 lines 20-34; and col. 43, lines 37-50) a liquid jetting apparatus comprising: a container-setting portion (9) at which a plurality of liquid containers (8a) are set, the liquid containers having liquid chambers that contains liquid and storing parts (854) that store information about a time when the liquid container was manufactured, a plurality of head members having a plurality of nozzles, a plurality of liquid ways that can communicate with the liquid chambers of the liquid container

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set at the container-setting portion and the nozzle, an information reader that can read out the information stored in the storing part of the liquid container set at the container-setting portion, a liquid discharging unit that can cause the liquid to be discharged from the nozzles, and a liquid discharging controller that can control the liquid discharging unit based on the information about the time when the liquid container was manufactured read out by the information reader (the number of preliminary ejections based on manufacturing date). Numata et al. also discloses (col. 9, lines 41-64) that a clock and that liquid discharging controller has a calculating part that can calculate a passed time until the present time based on the information about the time when the liquid container was manufactured, and a controlling part that can control the liquid discharging unit based on the passed time and that a volume of the liquid initially discharged (i.e. more ejections) is greater the longer the time was. With regards to claim 24, Numata et al. discloses (Figures 58A-D) that the liquid discharging unit is a cleaning unit that can cause the liquid to be absorbed from the nozzle. With regards to claim 25, Numata et al. discloses (Figure 77) that the liquid discharging unit is a flushing unit that can cause the liquid to be jetted from the nozzle. with regards to claims 27 and 28, Numata et al. discloses (col. 40, line 26) that liquid container contains an absorber material filled with the liquid. However, Numata et al. does not disclose that the liquid discharge controller controls the liquid discharging unit based on the information about the sedimentation state of the liquid in the liquid chamber. Isayama et al. discloses (col. 1, lines 10-15) that the longer a liquid container sits idle that the more sediments are found in the container. Therefore, reading the manufacturing date in Numata et al. would result in information about the sedimentation state of the liquid. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to determine an idle time that indicates

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a sedimentation state in the liquid jetting apparatus of Numata et al., in order to allow for the normal operation of the liquid jetting device.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A Hallacher whose telephone number is (703)308-0516.

The examiner can normally be reached on M-F (8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, Jr. can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-3431.

C.A.H.
October 21, 2002



**CRAIG HALLACHER
PRIMARY EXAMINER**